

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

PROPOSED REGULATION TEXT

TITLE 13, CALIFORNIA CODE OF REGULATIONS (13 CCR), DIVISION 2, CHAPTER 6.5,
AMEND ARTICLE 1, SECTIONS 1202.1 AND 1202.2; AND ARTICLE 6, SECTION 1232.

MOTOR CARRIER SAFETY REGULATIONS - CONSISTENCY WITH TITLE 49, CODE OF FEDERAL REGULATIONS (CHP-R-06-10)

Existing text:Times New Roman 12 point font.

Additions:Times New Roman 12 point font with single underline.

Deletions:Times New Roman 12 point font with strikethrough

(1) Title 13, California Code of Regulations, Chapter 6.5 Motor Carrier Safety, Article 1 Definitions and General Provisions is amended to read:

§ 1202.1. Applicability of Federal Regulations.

Carriers, drivers, and vehicles engaged in interstate commerce or in the transportation of hazardous substances or hazardous wastes as defined in 49 CFR 171.8 (published October 1, ~~1997~~2005) shall be subject to the following Federal Motor Carrier Safety Regulations contained in Title 49, Code of Federal Regulations:

<i>Section</i>	<i>Subject</i>	<i>Publication Date</i>
<u>385.415</u>	<u>What operational requirements apply to the transportation of a hazardous material for which a permit is required?</u>	<u>October 1, 2006</u>
392.16	Use of Seat Belts	October 1, 1997
392.42	Notification of License Revocation	October 1, 1997 <u>2006</u>
<u>391.15(b)(2)</u>	<u>Disqualification for loss of Driving Privilege</u>	<u>October 1, 2006</u>
392.60	Unauthorized Persons Not to Be Transported	October 1, 1997 <u>2006</u>
393.86	Rear end protection	October 1, 1997 <u>2006</u>
393.93	Seats, Seat Belt Assemblies, and Seat Belt Assembly Anchorages	October 1, 1997 <u>2006</u>
396.11	Driver Vehicle Inspection Report(s)	October 1, 1997 <u>2006</u>

396.17	Periodic Inspection	October 1, 1997 <u>2006</u>
397.17	Tires	October 1, 1997 <u>2006</u>
397.19	Instructions and Documents	October 1, 1997 <u>2006</u>
397.67	Motor carrier responsibility for routing	October 1, 1997 <u>2006</u>

NOTE: Authority Cited: Section 34501, Vehicle Code. Reference: Section 34501, Vehicle Code.

§ 1202.2. Applicability of Federal Regulations.

Carriers, drivers, and vehicles engaged in intrastate commerce shall be subject to the following Federal Motor Carrier Safety Regulations contained in Title 49, Code of Federal Regulations:

<i>Section</i>	<i>Subject</i>	<i>Publication Date</i>
<u>385.415</u>	<u>What operational requirements apply to the transportation of a hazardous material for which a permit is required?</u>	<u>October 1, 2006</u>
393.86	Rear End Protection (vehicles manufactured after July 1, 1997)	October 1, 1997 <u>2006</u>
396.11	Driver Vehicle Inspection Reports	October 1, 1997 <u>2006</u>
396.13	Driver Inspection	October 1, 1997 <u>2006</u>
397.17	Tires	October 1, 1997 <u>2006</u>
397.67	Motor Carrier Responsibility for Routing	October 1, 1997 <u>2006</u>

NOTE: Authority cited: Section 34501, Vehicle Code. Reference: Section 34501, Vehicle Code.

(2) Title 13, California Code of Regulations, Chapter 6.5 Motor Carrier Safety, Article 6 Carrier Requirements Section 1232 is amended to read:

§ 1232. Vehicle Inspection and Maintenance.

The following provisions apply to the inspection and maintenance of vehicles subject to this chapter.

(a) ***Preventive Maintenance.*** Motor carriers shall ensure that all vehicles subject to their control, and all required accessories on the vehicles, are regularly and systematically inspected,

maintained, and lubricated to ensure they are in safe and proper operating condition. The carriers shall have a means of indicating the types of inspection, maintenance, and lubrication operations to be performed on each vehicle and the date or mileage when these operations are due. The inspection required by this subsection is more in depth than the daily inspection performed by the driver. Motor carriers shall ensure compliance with this subsection when a vehicle is assigned away from the carrier's regular maintenance facility for periods exceeding normal inspection, maintenance, and lubrication intervals.

(b) *Periodic Preventive Maintenance Inspection.* School bus, SPAB, and GPPV carriers shall ensure every bus is inspected every 3,000 miles or 45 calendar days, whichever occurs first; or more often if necessary to ensure safe operation. Buses out of service exceeding 45 calendar days need not be inspected at 45-day intervals, provided they are inspected prior to being placed back into service.

This periodic inspection shall at a minimum cover:

- (1) Brake adjustment
- (2) Brake system leaks
- (3) Two-way check valve in dual air systems, alternately draining and recharging primary and secondary air reservoirs
- (4) All tank mounting brackets
- (5) All belts and hoses for wear
- (6) Tires and wheels
- (7) Steering and suspension

(c) *Oil or Grease Accumulations.* Excessive amounts of grease or oil on the vehicle shall be removed and their cause corrected.

(d) *Cleanliness of Buses.* Every bus shall be kept clean and free of litter.

(e) *Inspector Qualifications.* Motor carriers shall ensure that individuals performing inspections, maintenance, repairs or service to the brakes or brake systems of vehicles subject to this chapter are qualified in accordance with 49 CFR 396.25 (Published October 1, ~~1997~~2006).

NOTE: Authority Cited: Sections 2807.2, 31401, 34501, and 34501.5, Vehicle Code. Reference: Sections 28007.2, 31401, 34501 and 34501.5, Vehicle Code.